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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190169
Party	Defendant Susino USA, LLC
Correspondence Address	Todd Nadrich Susino USA, Ltd. PO BOX 1013 LOXAHATCHEE, FL 33470-1013 UNITED STATES tnadrich@stsource.com
Submission	Other Motions/Papers
Filer's Name	Todd Nadrich
Filer's e-mail	tnadrich@stsource.com
Signature	/Todd Nadrich/
Date	10/18/2010
Attachments	Decl todd nadrich.pdf (11 pages)(1110174 bytes)

In The Matter of App. Ser. No. 77/355,544

Opposer,

 \mathbf{v}_i

Applicant,

Opposition No. 91190169

I, Todd Nadrich, declare as follows:


- 1) I am over 18 years of age. I reside in West Palm Beach, Florida and have been the Managing Director of Susino USA, Ltd.
- 2) I am fully competent to make this declaration, and I have personal knowledge of the facts stated in this declaration.
- 3) I am not a licensed attorney and have been handling matters before the TTAB on behalf of Susino USA, LTD.
- 4) To the best of my knowledge, information, and belief, all of the facts in this declaration are true and correct.
- 5) Upon resolution of this case, I intend to file an assignment on behalf of Susino USA, LTD for the Susino trademark, nunc pro tunc, to Doppler, LLC, registered in the State of Nevada, with the USPTO.
- 6) On March 13, 2010, I emailed and mailed via US Postal Service a copy of Applicants Motion For Summary Judgment to Opposers. At no time was the mailed correspondence returned as undeliverable by the US Postal Service. (Exhibit 1)

- 7) With regards to exhibits 4, 6, 8, and 9 in Applicants response to Opposers Motion for relief I state the following:
- a) Exhibit 4 – Is a copy of an e-mail I received from Opposer on November 30, 2009 notifying me of the change of correspondence address and email for Opposer.
 - b) Exhibit 6 – Is a copy of an email I received from Opposer responding to my email about discovery.
 - c) Exhibit 8 - Is a copy of an email I sent on January 11, 2010 with attached applicants request for admissions.
 - d) Exhibit 9 – Is an email tracking report I used to send exhibit 8. I am under the firm belief Opposer received this as indicated by the report and had opened the email no less than 9 times.
- 8) At no time have I been an agent for Opposer as claimed.
- 9) At no time has any company acted as a commissioned sales agent or any other type of agent for the Opposer.
- 10) At no time has Opposer paid me directly or indirectly any commission nor to any company I have been affiliated with as an agent or otherwise for them as claimed.
- 11) Having read Jorzon Wang's declaration, I state many of those statements are false and inaccurate, as an example I did not meet with him in 2003 at Opposers place of business and never made any such statements.
- 12) In 2009, Jorzon Wang sent an email to me stating he was no longer employed for Opposer and stated he was operating independently of Opposer. Jorzon clearly stated he was operating and/or representing another umbrella factory named Top Rain. He then proceeded to send me unsolicited quotations by email requesting orders for the sole purpose of producing umbrellas with applicants' "Susino" trademark. (Exhibit 2)

- 13) I only knew Carter Guan as a clerk who handled shipping documents. Carter merely acted as a documentation clerk on behalf of my affiliated companies arranging shipping documents and packing lists on our company's behalf with authorization by myself to file those documents on our company's behalf.
- 14) In late 2007, I terminated all business relationship with Opposer due to fraud and neglect by Opposer for violations of several purchase order contracts placed with Opposer. An attorney in the Peoples Republic of China has been retained for the purpose of seeking monetary damages for such acts.
- 15) On October 12, 2010, I requested from Opposer's current counsel, David Silverman, Opposer waive any attorney client privileged for Scott Vidas, alleged unauthorized former counsel, so Applicant could obtain an affidavit from them as to seek the truth about Opposer's claims of representation by Scott Vidas and his firm. To this date, Opposer has refused to grant any waiver and therefore appears they indicate Opposer did have some type of attorney client relationship and knowledge of consent of representation contrary to Opposers previous statements and declarations.
- 16) On July 29, 2010, I was copied on a an email from a James Ren stating on behalf of Opposer that they would not be using Susino mark for export to USA market and would use another mark instead, "Paulo". Based on these statements I am under the firm belief Opposer has no current or future interests in Applicant's mark as claimed. (Exhibit 3)
- 17) I first used the Susino name in 2002 and used the name at a meeting in Pompano Beach, Fl., which Opposers' designated representative attended at my invitation, seeking a joint venture partnership to form Susino USA. I recall Opposers' appointed representative was named Tony Tue, who had lived in Texas at some point. I subsequently arranged a meeting in Hong Kong between Anbang Wang, Tony Tue, Bill Ducharme, and Shu-lian Shyu. Soon thereafter Anbang Wang opted not to participate in forming Susino USA joint venture.

I declare under penalty of perjury under the laws of the United States, that to the best of my knowledge, information and belief, the foregoing is true and correct.

Executed on this day of 18th, October, 2010.



Todd Nadrich

Certificate of Service

I hereby certified that the above and forgoing this Notice of Consent for Extension of Time by depositing a copy of same in the United States Mail and by e-mail to davidsilverman@dwt.com, first class postage prepaid, on this 18th day of October, 2010, addressed to:

David Silverman
Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 800
Washington, DC 20006-3401
Attorney for Opposers

/s/ /Todd Nadrich/
Todd Nadrich

EXHIBIT 1

Todd Nadrich

From: "Todd Nadrich" <tnadrich@stsource.com>
Date: Saturday, March 13, 2010 9:28 AM
To: "李德福" <meihuaumbrella@yahoo.com.cn>
Attach: Motion for Summary Judgement w Exhibits.pdf
Subject: Summary Judgment

Dear Mr. Wang/Mr. Lee - Attached is our filing for summary judgment filed with the TTAB.
Regards,

From: 李德福
Sent: Tuesday, December 15, 2009 8:47 PM
To: Todd Nadrich
Subject: RE: Discovery and Depositions

Dear Mr. Nadrich:

Thanks for your email, and I am sorry for my late response. I think the date of Expert Disclosures Due is Apr 11, 2010, not Dec 19, 2009. The TTAB changed the Schedule for this case, please see the attachments.

Regards

Wang Anbang

SUSINO UMBRELLA CO., LTD.

--- 09年12月11日, 周五, Todd Nadrich <tnadrich@stsource.com> 写道:

发件人: Todd Nadrich <tnadrich@stsource.com>
主题: Discovery and Depositions
收件人: "Anbang Wang" <meihuaumbrella@yahoo.com.cn>
日期: 2009年12月11日, 周五, 下午9:12

Dear Mr. Wang - Pursuant to the Court's schedule and order, please contact me and discuss the dates for discovery and when depositions can be taken.

First we ask as part of our first discovery request, all sales by Susino Umbrella to the USA by customer and item, all being designated as OEM or Susino brand since Jan. 2002.

Sincerely,
Todd Nadrich

好玩贺卡等你发, 邮箱贺卡全新上线!

EXHIBIT 2

Todd Nadrich

From: "S.Umb" <susina@winmail.cn>
Date: Friday, July 10, 2009 1:54 AM
To: "Todd Nadrich" <tnadrich@stsource.com>
Subject: Re: Re: how are you

Todd

Good moring,

Nice to get informations form you.

We are fine, thanks a lot. On March I got my son , so now I'm also old not younger again. Also I have found a umbrella company with my friend. and every thing is OK.

Long time no news from Stephanie, hope every thing is ok.

Best regards

Jorzon WANG

2009-07-10

S.Umb

From: Todd Nadrich
Date: 2009-07-09 11:12:56
To: susina@winmail.cn
Cc:
Subject: Re: how are you

Hi Jorzon - sorry for the late reply, your e-mail susina?? went to my spam folder....of course we always be good friends, how is your family?

We are all fine and well.

Very Best Regards,

From: S.Umb
Sent: Monday, June 15, 2009 11:13 AM
To: shyu
Cc: tnadrich
Subject: how are you

Todd/Stephanie

Good days, it's seems qualite long times, no get any new from you. Wish you have everything fine and excellent.

Hope the finance crisit didn't effect you much this year. Even we have very good and bad experience with your company in SUSINO. but any ways we are still a good friend.

Best regards

Jorzon WANG

Todd Nadrich

From: "S.Umb" <susina@winmail.cn>
Date: Thursday, July 16, 2009 11:28 AM
To: "Todd Nadrich" <tnadrich@stsource.com>
Cc: "shyu" <shyu@stsource.com>; "toprain" <toprain@winmail.cn>
Attach: TOPRAIN.jpg
Subject: Re: Re: Re: how are you

Dear Stephanie

Good morning,

It's my pleasure to talk with you on the phone this morning, Almost 2 years, we didn't talk. And happy to learn that every thing are OK with you , also all business goes little up in USA.

Pls see the attachment, our contact informations and name card Mr. Jaci WU, he was also in umbrellas business for more than 10 years.

TOPRAIN UMBRELLA LTD.

Add: industrial,gushan,yongchun,quanzhou,fujian,CHINA

Tel: 0086-595-2253405 22534052

Fax:0086-595-22534052

Email: toprain@winmail.cn

Website: www.toprain.com under construction now it would be ok soon

Mr. Jaci WU mobile: 0086-138-0596-8696 (mainly for sales and quality control, he is in umbrella business for more than 10years)

Mr. Wilson mobile: 0086-135-9920-7378 (mainly for account and quality control, he is in umbrella business 8years)

We will be great happy if we have chance to work with you again, if you are still in the Umbrella business. If you are not in the umbrella business now, pls just keep this information for inquiries.

Thanks and with best regards

Jorzon WANG

EXHIBIT 3

Todd Nadrich

From: "Master/SUSINO" <master@susino.net.cn>
Date: Thursday, July 29, 2010 11:04 PM
To: "Stephanie Shyu" <shyu@stsource.com>
Cc: <tnadrich@stsource.com>
Attach: PAOLO B.Jpg
Subject: Re: United States Trademark Susino

YOU YOU SHOULD WORK IN FBI, FRANKLY

NOTED, NOW WE NOT USE SUSINO TO MAKE EXPORT TO UNITED STATES. NOW WE USE PAOLO, BY THE WAY, IT'S STILL NOT BEEN REGISTERED, PLS TRY TO REGISTER IT NOW.

SUSINO UMBRELLA CO.,LTD.
JAMES REN

2010-07-30

发件人: Stephanie Shyu
发送时间: 2010-07-28 18:28:40
收件人: master@susino.net.cn
抄送: tnadrich@stsource.com

主题: United States Trademark Susino

Dear Sirs - The United States Trademark Office has issued certificate and registration for the trademark Susino to Susino USA, Ltd. Attached is our certificate of registration.

Under no circumstances do you have our permission to produce goods for the United States market.

We have registered our mark with the United States Customs and have requested full protection on our behalf. **ALL GOODS ARRIVING AT ANY US PORT WILL BE SEIZED AND LIQUIDATED FOR DAMAGES.**

We have retained V&T law firm in the Peoples Republic of China to enforce our rights. We encourage you to contact him or me should you have questions regarding this matter.

陈祥龙 律师

Erex Chen, Attorney at Law

万商天勤律师事务所

V & T Law Firm

地址: 上海市浦东新区福山路458号同盛大厦11楼

Add: 11F, Tongsheng Tower

458 Fushan Rd, Shanghai China

电话(Tel): 86-21-50819091

传真(Fax): 86-21-50819591

手机(Mobile): 13391052852

Stephanie Shyu,
Director
